

VESTING TENTATIVE MAP

FILE NO.	T22-009
LOCATION OF PROPERTY	Northeast corner of Stockton Avenue and W. Julian Street (715 W. Julian Street)
ZONING DISTRICT	A(PD) Planned Development (PDC17-058)
PURPOSE OF MAP	Vesting Tentative Parcel Map for two commercial condominium lots and one residential condominium lot on a 1.22-gross acre site
TITLE OF MAP	Julian/Stockton, 717 W. Julian St., Vesting Tentative Parcel Map Condominium Purposes
DRAWN BY	HMH 1570 Oakland Rd San Jose, CA 95131
DATE OF MAP	February 17, 2022
ENVIRONMENTAL STATUS	Exempt pursuant to CEQA Guidelines Section 15315 for Minor Land Divisions
APPLICANT/OWNER	Scott Youdall The Hannover Company 156 Diablo Rd., Suite 220 Danville, CA 94526

FACTS AND FINDINGS

The Director of Planning, Building, and Code Enforcement finds that the following are the relevant facts and findings regarding this proposed project:

1. **Site Description and Surrounding Uses.** The site is developed with a under construction with a five-story mixed-use development with 249 dwelling units and approximately 26,535 square feet of ground floor commercial space. The site is surrounded by other multifamily development to the north and west; a corporation yard to the east; and commercial and residential uses to the south.
2. **Project Description.** This is a Vesting Tentative Map to allow two commercial condominium units at the subject mixed-use development not to be less than 750 square feet each, and one residential condominium unit on the 1.22-gross acre site.
3. **General Plan Conformance.** The Project is consistent with the site's Envision San Jose 2040 General Plan Land Use/Transportation Diagram designation of Transit Residential in that a mix of commercial and residential uses is allowed. The proposed commercial

condominiums and residential condominium would help facilitate the occupancy of the existing commercial spaces. Therefore, the project is consistent with the 2040 General Plan.

4. **Zoning Ordinance Conformance.** Per Section 20.175.042 of the San Jose Municipal Code, the minimum unit size for nonresidential condominium units is 750 square feet. The two proposed commercial condominium units will be at least 750 square feet each.
5. **Subdivision Map Act Findings.** In accordance with Section 66474 of the Government Code of the State of California, the Director of Planning of the City of San José, in consideration of the proposed subdivision shown on the Tentative Map with the imposed conditions, shall deny approval of a Tentative Map, if it makes any of the following findings:
 - a. That the proposed map is not consistent with applicable General and Specific Plans as specified in Section 65451.
 - b. That the design or improvement of the proposed subdivision is not consistent with applicable General and Specific Plans.
 - c. That the site is not physically suitable for the type of development.
 - d. That the site is not physically suitable for the proposed density of development.
 - e. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
 - f. That the design of the subdivision or type of improvements is likely to cause serious public health problems.
 - g. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

Analysis: Based on review of the proposed subdivision, the Director of Planning of the City of San José does not make any such findings to deny the subject subdivision. The condominium map is consistent with the General Plan goals, policies, and land use designation. The subject site is physically suitable to accommodate the two commercial and one residential condominium units, within the existing building, and does not change the density of the site. Furthermore, the project site does not contain any historic resources or sensitive habitats or wildlife. The proposed subdivision and subsequent improvements are not likely to cause serious public health problems. No street or sidewalk improvements are required for the project. The subdivision will not conflict with any existing easements for public benefit.

6. **Subdivision Ordinance Findings.** In accordance with San José Municipal Code (SJMC) Section 19.12.130, the Director may approve the Tentative Map if the Director cannot make any of the findings for denial in Government Code section 66474 and the Director has reviewed and considered the information relating to compliance of the project with the California Environmental Quality Act and determines the environmental review to be adequate. Additionally, the Director may approve the project if the Director does not make any of the findings for denial in San José Municipal Code Section 19.12.220.

Section 19.12.130 incorporates the findings for denial in Section 66474 of the Government Code specified in Findings Section 1 herein.

Analysis: Based on review of the proposed subdivision as further described above, the Director of Planning of the City of San José does not make any such findings to deny the subject subdivision.

In accordance with the findings set forth above, a Vesting Tentative Map for said purpose specified above and subject to each and all of the conditions hereinafter set forth is hereby **approved**. The Director of Planning, Building, and Code Enforcement expressly declares that it would not have granted this Tentative Map except upon and subject to each and all of said conditions, each and all of which conditions shall run with the land and be binding upon the owner and all subsequent owners of the subject property, and all persons who use the subject property for the use conditionally permitted hereby.

APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

1. **Acceptance of Vesting Tentative Map.** Per Section 19.12.230, should the Subdivider fail to file a timely and valid appeal of this Vesting Tentative Map within the applicable appeal period, such inaction by the Subdivider shall be deemed to constitute all of the following on behalf of the Subdivider:
 - a. Acceptance of the Vesting Tentative Map by the Subdivider; and
 - b. Agreement by the Subdivider to be bound by, to comply with, and to do all things required of or by the Subdivider pursuant to all of the terms, provisions, and conditions of this permit or other approval and the provisions of Title 19 applicable to such Vesting Tentative Map.
2. **Conformance to Tentative Map.** Development of the site shall conform to the approved Tentative Map File No. T22-009 entitled “Julian/Stockton, 717 W. Julian St., Vesting Tentative Parcel Map Condominium Purposes” dated February 22, 2022, on file with the Department of Planning, Building and Code Enforcement, and to the San José Building Code (San José Municipal Code, Title 17, Chapter 17.04), with the exception of any subsequently approved changes.
3. **Expiration of Map.** This Vesting Tentative Map shall automatically expire 30 months from and after the date of issuance hereof by the Director of Planning of the City of San José. The date of issuance is the date this Vesting Tentative Map is approved by the Director of Planning.
4. **Compliance with Subdivision Ordinance.** The final map shall comply with all of the requirements for final maps in Chapter 19.16 of the San José Municipal Code and shall show and contain all of the data required by San José Municipal Code Section 19.16.110.
5. **Conformance with Other Permits.** The subject Vesting Tentative Map conforms to and complies in all respects with the Planned Development Permit Amendment File No. PDA17-029-01 on which such Tentative Map is based. Approval of said Tentative Map shall automatically expire with respect to any portion of the lands covered by such Tentative Map on which a Final Map or Tract Map has not yet been recorded if, prior to recordation of a Final Map or Tract Map thereon, the Planned Development Permit Amendment for such lands automatically expires or for any reason ceases to be operative.
6. **Conformance with Municipal Code.** No part of this approval shall be construed to permit a violation of any part of the San José Municipal Code.

7. **Compliance with Local and State Laws.** The subject use shall be conducted in full compliance with all local and state laws. No part of this approval shall be construed to permit a violation of any part of the San José Municipal Code. The Permit shall be subject to revocation if the subject use is conducted in such a manner as to cause a nuisance, as defined above.
8. **Sewage Treatment Demand.** Pursuant to Chapter 15.12 of Title 15 of the San José Municipal Code, acceptance of this Permit by Subdivider shall constitute acknowledgement of receipt of notice by permittee that (1) no vested right to a Building Permit shall accrue as the result of the granting of this Permit when and if the City Manager makes a determination that the cumulative sewage treatment demand of the San José - Santa Clara Regional Wastewater Facility represented by approved land uses in the area served by said Facility will cause the total sewage treatment demand to meet or exceed the capacity of San José - Santa Clara Regional Wastewater Facility to treat such sewage adequately and within the discharge standards imposed on the City by the State of California Regional Water Quality Control Board for the San Francisco Bay Region; (2) substantive conditions designed to decrease sanitary sewage associated with any land use approval may be imposed by the approval authority; (3) issuance of a Building Permit to implement this Permit may be suspended, conditioned or denied where the City Manager is necessary to remain within the aggregate operational capacity of the sanitary sewer system available to the City of San José or to meet the discharge standards of the sanitary sewer system imposed on the City by the State of California Regional Water Quality Control Board for the San Francisco Bay Region.
9. **Homeowner's Association and/or Maintenance District.** A Homeowner's Association or Maintenance District shall be established for maintenance of all common areas, including but not limited to, private streets, pedestrian walkways, easements, landscaping, and landscaping in the public right-of-way that is not already in a maintenance district. The Subdivider shall provide to the Homeowners Association a copy of the Vesting Tentative Map Permit, the accompanying Plan Set, any approved Amendments or Adjustments Development Permits, and a complete set of approved building and all improvement plans within 30 days of approval of this permit.
10. **Final Map.** No Final Map or Tract Map shall be approved by City Council unless and until the appeal period for the development permit, City File No. PDA17-029-01 has expired and all appeals have been exhausted.
11. **Revocation.** This Tentative Map is subject to revocation for violation of any of its provisions or conditions.

APPROVED and issued this on the **18th Day of May, 2021.**

Christopher Burton, Director
Planning, Building and Code Enforcement

Deputy
Robert Manford